

§ 30.61

telegraph, mailgram, or facsimile any incident in which an attempt has been made or is believed to have been made to commit a theft or unlawful diversion of more than 10 curies of such material at any one time or more than 100 curies of such material in any one calendar year. The initial report shall be followed within a period of fifteen (15) days by a written report submitted to the appropriate NRC Regional Office which sets forth the details of the incident and its consequences. Copies of such written report shall be sent to the Director, Office of Federal and State Materials and Environmental Management Programs, using an appropriate method listed in §30.6(a). Subsequent to the submission of the written report required by this paragraph, the licensee shall promptly inform the Office of Federal and State Materials and Environmental Management Programs by means of a written report of any substantive additional information, which becomes available to the licensee, concerning an attempted or apparent theft or unlawful diversion of tritium.

(d) The reports described in this section are not required for tritium possessed pursuant to a general license provided in part 31 of this chapter or for tritium contained in spent fuel.

[37 FR 9208, May 6, 1972, as amended at 38 FR 1271, Jan. 11, 1973; 38 FR 2330, Jan. 24, 1973; 41 FR 16446, Apr. 19, 1976; 43 FR 6922, Feb. 17, 1978; 46 FR 55085, Nov. 6, 1981; 49 FR 24707, June 15, 1984; 52 FR 31611, Aug. 21, 1987; 68 FR 58804, Oct. 10, 2003; 73 FR 5718, Jan. 31, 2008]

ENFORCEMENT

§ 30.61 Modification and revocation of licenses and registration certificates.

(a) The terms and conditions of each license and registration certificate issued under the regulations in this part and parts 31 through 36 and 39 of this chapter shall be subject to amendment, revision, or modification by reason of amendments to the Act, or by reason of rules, regulations, and orders issued in accordance with the terms of the Act.

(b) Any license or registration certificate may be revoked, suspended, or modified, in whole or in part, for any material false statement in the application or in any statement of fact re-

10 CFR Ch. I (1–14 Edition)

quired under section 182 of the Act, or because of conditions revealed by such application or statement of fact or any report, record, or inspection or other means that would warrant the Commission to refuse to grant a license or registration certificate on an original application, or for violation of, or failure to observe any of the terms and provisions of the Act or of any rule, regulation, or order of the Commission.

(c) Except in cases of willfulness or those in which the public health, interest, or safety requires otherwise, no license or registration certificate shall be modified, suspended, or revoked unless, before the institution of proceedings therefor, facts or conduct that may warrant such action shall have been called to the attention of the licensee or certificate holder in writing and the licensee or certificate holder shall have been given an opportunity to demonstrate or achieve compliance with all lawful requirements.

[77 FR 43690, July 25, 2012]

§ 30.62 Right to cause the withholding or recall of byproduct material.

The Commission may cause the withholding or recall of byproduct material from any licensee who is not equipped to observe or fails to observe such safety standards to protect health as may be established by the Commission, or who uses such materials in violation of law or regulation of the Commission, or in a manner other than as disclosed in the application therefor or approved by the Commission.

[30 FR 8185, June 26, 1965, as amended at 40 FR 8785, Mar. 3, 1975]

§ 30.63 Violations.

(a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of—

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as amended; or

(3) A regulation or order issued pursuant to those Acts.

(b) The Commission may obtain a court order for the payment of a civil penalty imposed under section 234 of the Atomic Energy Act:

(1) For violations of—

Nuclear Regulatory Commission

§ 30.70

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended;

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under section 186 of the Atomic Energy Act of 1954, as amended.

[57 FR 55072, Nov. 24, 1992]

§ 30.64 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under sections 161b, 161i, or 161o of the Act. For purposes of section 223, all the regulations in part 30 are issued under one or more of sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in part 30 that are not issued under sections 161b, 161i, or 161o for the purposes of section 223 are as follows: §§30.1, 30.2, 30.4, 30.5, 30.6, 30.8, 30.11, 30.12, 30.13, 30.15, 30.31, 30.32, 30.33, 30.37, 30.38, 30.39, 30.61, 30.62, 30.63, 30.64, 30.70, 30.71, and 30.72.

[57 FR 55072, Nov. 24, 1992, as amended at 73 FR 42673, July 23, 2008]

SCHEDULES

§ 30.70 Schedule A—Exempt concentrations.

[See footnotes at end of this table]

Element (atomic number)	Isotope	Col. I	Col. II
		Gas concentration μCi/ml ¹	Liquid and solid concentration μCi/ ml ²
Antimony (51)	Sb 122		3×10 ⁻⁴
	Sb 124		2×10 ⁻⁴
	Sb 125		1×10 ⁻³
Argon (18)	A 37	1×10 ⁻³	
	A 41	4×10 ⁻⁷	
Arsenic (33)	As 73		5×10 ⁻³
	As 74		5×10 ⁻⁴
	As 76		2×10 ⁻⁴
	As 77		8×10 ⁻⁴
Barium (56)	Ba 131		2×10 ⁻³
	Ba 140		3×10 ⁻⁴
Beryllium (4)	Be 7		2×10 ⁻²
Bismuth (83)	Bi 206		4×10 ⁻⁴
Bromine (35)	Br 82	4×10 ⁻⁷	3×10 ⁻³
Cadmium (48)	Cd 109		2×10 ⁻³
	Cd 115m		3×10 ⁻⁴
	Cd 115		3×10 ⁻⁴
Calcium (20)	Ca 45		9×10 ⁻⁵
	Ca 47		5×10 ⁻⁴
Carbon (6)	C 14	1×10 ⁻⁶	8×10 ⁻³
Cerium (58)	Ce 141		9×10 ⁻⁴
	Ce 143		4×10 ⁻⁴
	Ce 144		1×10 ⁻⁴
Cesium (55)	Cs 131		2×10 ⁻²
	Cs 134m		6×10 ⁻²
	Cs 134		9×10 ⁻⁵
Chlorine (17)	Cl 38	9×10 ⁻⁷	4×10 ⁻³
Chromium (24)	Cr 51		2×10 ⁻²
Cobalt (27)	Co 57		5×10 ⁻³
	Co 58		1×10 ⁻³
	Co 60		5×10 ⁻⁴
Copper (29)	Cu 64		3×10 ⁻³
Dysprosium (66)	Dy 165		4×10 ⁻³
	Dy 166		4×10 ⁻⁴
Erbium (68)	Er 169		9×10 ⁻⁴